

REMARKS

In response to the Final Office Action mailed on April 16, 2008 and the Advisory Action mailed on June 26, 2008, Applicants respectfully request continued examination. Claims 36-56 are now pending in this Application. Claims 36, 46 and 56 are independent claims and the remaining claims are dependent claims. In this Amendment, claims 1-2, 4-12, 16-17, 19-27, 31, 33 and 35 have been cancelled. Applicants believe that the claims as presented are in condition for allowance. A notice to this affect is respectfully requested.

1. Rejection of Originally Submitted Claims under 35 U.S.C. §103(a)

Claims 10-11 and 25-26 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Oliveria and Sayan in view of Hejna, Jr. et al., U.S. Patent No. 5,287,508 (hereinafter Hejna). In the rejection, Examiner concedes that Oliveria and Sayan do not teach the steps of **establishing a recently assigned agent condition associated with the first store process, the recently assigned agent condition defining an acceptable number of agents assigned to the first store process during a predetermined agent assignment interval**, as previously recited in claims 10 and 25, and currently recited in newly added independent claims 36, 46 and 56. To make up for the aforementioned deficiencies of Oliveria and Sayan, Examiner cites Hejna. However, Hejna fails to teach such aspects as well.

Specifically, Examiner cites column 1, lines 20-29 of Hejna as being equivalent to Applicants' **establishing** step. The cited passage reads as follows:

"Process scheduling techniques have been extended to multiple-CPU computer systems. Processes are allocated a time-slice according to the CPU available. A process table is maintained which identifies each process to be executed. Each process table entry identifying a process contains a priority field for a process scheduling. For example, the

priority of a process may be a function of the amount of its CPU usage with processes getting a lower priority if they have recently used the CPU. A process scheduler accesses the process table information and controls which processes are allocated the usage of the CPU.” (emphasis added)

Here, Hejna’s time slice does not disclose Applicants’ **assignment interval** because Hejna’s time-slice describes when a process can be assigned to an available CPU, whereas the **assignment interval** is involved in **establishing the recently assigned agent condition** for a store process to which various agents can or cannot be assigned. Specifically, the **recently assigned agent condition defines an acceptable number of agents assigned to the first store process during the predetermined agent assignment interval**. Thus, the **recently assigned agent condition** ensures that only a certain number of agents will be assigned to the store process **during the assignment interval**, while the Hejna’s time-slice defines when a process can be assigned to a CPU. Thus, if Hejna’s CPU had such a **recently assigned agent condition** (which it clearly does not), then a process would not be assigned to the CPU if a certain number of other processes have already been scheduled for the CPU during the **assignment interval** – regardless of the process’ priority or whether the process is attempting to be scheduled to the CPU during that process’ time-slice.

For the reasons stated above, Applicant submits that new independent claims 36, 46 and 56 are patentably distinct and advantageous over the cited references – either individually or in combination. In addition, by virtue of their dependency on the independent claims, new dependent claims 37-45 and 47-55 are patentably distinct as well. Hence, the rejection under 35 U.S.C. §103(a) should be withdrawn. Accordingly, allowance of the claims is respectfully requested.

-17-

In view of the above, the Examiner's rejections are believed to have been overcome, placing the pending claims in condition for allowance and reconsideration and allowance thereof is respectfully requested.

Applicant(s) hereby petition(s) for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-3735.

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 616-9660, in Westborough, Massachusetts.

Respectfully submitted,

/RVF/

Rajesh V. Fotedar, Esq.
Attorney for Applicant(s)
Registration No.: 59,562
Chapin Intellectual Property Law, LLC
Westborough Office Park
1700 West Park Drive, Suite 280
Westborough, Massachusetts 01581
Telephone: (508) 616-9660
Facsimile: (508) 616-9661

Attorney Docket No.: EMC03-17(03087)

Dated: July 15, 2008